



Office of the Mayor and Council  
City of College Park  
8400 Baltimore Avenue, Suite 375  
College Park, Maryland 20740  
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CPV-2021-06 Name: James Martin & Janice Benton

Address: 7101 Rhode Island Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

August 10, 2021.

**CERTIFICATE OF SERVICE**

This is to certify that on August 12, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK  
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING  
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2021-06,  
7101 RHODE ISLAND AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING  
APPROVAL OF A 1.25% LOT COVERAGE VARIANCE FROM SECTION 27-442(C)  
TABLE II OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, FOR AN  
ADDITION**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442 (c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-442 (c) Table II of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on June 11, 2021, James Martin Benton and Janice Benton ("Applicants"), submitted an application for a variance of 6.71% or 666.35 square feet from the maximum allowable lot coverage in order to enlarge the footprint of an existing screened-in porch and convert it to a bedroom at the property located at 7101 Rhode Island Avenue, College Park ("Property"); and
- WHEREAS,** on July 1, 2021, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend the approval of the variance; and

**WHEREAS,** the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

**WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS,** no exceptions have been filed.

**NOW THEREFORE,** the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-06 to approve a 6.71% lot coverage variance to construct an addition.

### **Section 1 Findings of Fact**

- 1.1 The property is rectangular with a variable width that averages 78.76 feet and an average depth of 121.2 feet for a total area of 9,930 square feet.
- 1.2 The property is improved with a 1,768 square foot, two-story frame house, a 705.31 square foot freestanding garage, a 112 square foot screened porch and an 1,848 square foot driveway, all built in or around 1922. The driveway extends almost the entire depth of the lot to connect to the garage placed at the very back of the lot. The driveway widens half-way down the lot from 15-feet to 28-feet wide to provide access to the two-bay garage.
- 1.3 The existing lot coverage exceeds the maximum allowed by 5.86%.
- 1.4 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.5 Long driveways leading to detached garages in the rear yard are very common in the Calvert Hills Neighborhood.
- 1.6 The proposed addition will only increase existing lot coverage by 84 square feet (6-feet x 14-feet) or 0.85% since it will be located over the footprint of the existing screened porch and part of the driveway. However, total lot coverage with the addition will be over the maximum by 6.71%.
- 1.7 The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.
- 1.8 The Applicants want to add a bedroom to their first floor to allow them to age in place.
- 1.9 The Applicants are willing to remove four sections of the driveway, see Exhibit 3, to reduce lot coverage by 542.15 square feet, resulting in 124.20 square feet or 1.25% over the maximum 30% lot coverage.



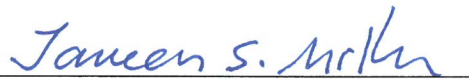
**Section 2      Conclusions of Law**

- 2.1      The property is exceptionally deep with a detached rear yard garage built circa 1922. The resulting long driveway adds significantly to lot coverage. The construction preceded the Zoning Ordinance and therefore a lot coverage variance was not required.
- 2.2      The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty by preventing the replacement of an outdated porch with a bedroom addition that will allow the Applicants to age in place. The new addition will increase lot coverage only nominally above the existing non-conforming lot coverage.
- 2.3      Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since lot coverage will only be nominally increased. The Applicant has agreed to reduce the size of the existing driveway to bring lot coverage more in line with the current lot coverage maximum and well within the future lot coverage maximum.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park to approve CPV-2021-06 for a 1.25% lot coverage variance, including the removal of 542.15 square feet of driveway, to permit the construction of an addition.

**ADOPTED**, by the Mayor and Council of the City of College Park at a regular meeting on the 10<sup>th</sup> day of August, 2021.

CITY OF COLLEGE PARK

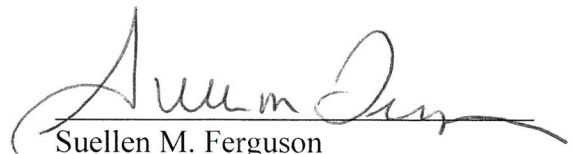


Janeen S. Miller, CMC  
City Clerk



Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY



Suellen M. Ferguson  
City Attorney